



EV 366 598 123 US

PATENT

## THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Bennett Clay Byrd et al.  
 Serial No : 10/820,558  
 Filed : April 8, 2004  
 For : Footwear With Display Element  
 Examiner : Unknown  
 Art Unit : 3728

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Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.47(a) AND STATEMENT OF FACTS**

This petition is in response to the "Notice to File Missing Parts of Nonprovisional Application", mailed on June 22, 2004, in the above-identified patent application. A copy of the "Notice to File Missing Parts of Nonprovisional Application" is enclosed. See Attachment A.

Applicant hereby petitions, under 37 C.F.R. § 1.47(a), that the United States Patent and Trademark Office accept the above-identified patent application for prosecution on behalf of joint inventors Bennett Clay Byrd and non-signing inventor George Peter Poulos.

Whenever an inventor refuses to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom the inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for the inventor on proof of the pertinent facts and a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage; and the Director may grant a patent to such inventor upon such notice to him as the Director deems sufficient, and on compliance with such regulations as he prescribes. 35 U.S.C. § 118.

11/16/2004 H0000045 10820556  
 11/16/2004 H0000045 10820556  
 02 FC:1460

11/16/2004 H0000045 10820556

136.00 OF

02 FC:1460

If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in § 1.17(h), and the last known address of the non-signing inventor. 37 C.F.R. § 1.47(a).

**(1) Proof of Pertinent Facts**

The undersigned contacted David Marcincavage in the Sara Lee Corporation ("Sara Lee") IP Law Dept. regarding execution of formal documents by the inventors in the above-identified patent application. Mr. Marcincavage informed the undersigned that one of the inventors, George Poulos, had left employment at Sara Lee. Mr. Marcincavage requested a forwarding address for Mr. Poulos from the Sara Lee Human Resources Dept., which did not have a forwarding address for Mr. Poulos.

The last known address for Mr. Poulos is: 542 Woodvale Drive, Greensboro, NC 27410. The undersigned conducted a search on the Internet for information related to George Peter Poulos, and found only this same address for Mr. Poulos. On July 12, 2004, the undersigned called the last known telephone number (336-294-5277) for Mr. Poulos at this address. The phone rang, but there was no answer, nor did an answering machine activate. See Attachment B.

During August and September 2004, the undersigned asked co-workers of Mr. Poulos while he was employed at Sara Lee if they knew where he was living following his departure from Sara Lee. Mr. Poulos' co-workers informed the undersigned that Mr. Poulos lived in Greensboro (NC) when he worked at Sara Lee, but that they did not know where Mr. Poulos was currently living.

On October 4, 2004, the undersigned called the last known telephone number (336-294-5277) for Mr. Poulos. The phone rang, but there was no answer, nor did an answering machine activate. *See Attachment C.*

On October 4, 2004, the undersigned mailed a letter by certified mail, return receipt requested, to George Poulos at his last known address at 542 Woodvale Drive, Greensboro, NC 27410, requesting his execution of an enclosed Declaration. *See Attachment D.* A copy of the Certified Mail Receipt is attached. *See Attachment E.* On October 25, 2004, the undersigned checked the Shipment Details on the "Track & Confirm" page for this letter in the U.S. Postal Service's online tracking service. These Shipment Details indicated that a notice was left for the addressee on October 5, 2004, and that the item was returned to the sender on October 23, 2004, because it was not claimed by the addressee. *See Attachment F.* On October 28, 2004, the undersigned received the returned letter to Mr. Poulos. *See copy of returned envelope as Attachment G.*

This application is being made on behalf of Mr. Poulos' co-inventor, who has executed a Declaration, and on behalf of Sara Lee Corporation. The properly executed Declaration of joint inventor Bennett Clay Byrd is enclosed herewith. *See Attachment H.*

Sara Lee Corporation has a proprietary interest in the patent application as evidenced by the Assignment executed by the co-inventor. Bennett Clay Byrd has assigned his interest in the invention and patent application to Sara Lee Corporation, and the Assignment is enclosed herewith. *See Attachment I.*

(2) **Fee**

This is a nonprovisional application. A check including the amount of \$130.00 for the petition fee under 37 C.F.R. Section 1.17(h) is enclosed. Please credit any overpayment or charge any deficiency in relation to this petition to Deposit Account No. 16-1435.

(3) **Last Known Address of Non-Signing Inventor**

Mr. Poulos' last known address is: 542 Woodvale Drive, Greensboro, NC 27410, and his last known telephone number is: (336) 294-5277.

Mr. Poulos was employed at Sara Lee Corporation when he invented the subject matter in the above-identified patent application. Mr. Poulos has since left employment at Sara Lee. After a diligent effort, as described herein, Mr. Poulos cannot be found or reached. Sara Lee Corporation has a proprietary interest in the patent application as evidenced by the enclosed Assignment, which has been executed by all of Mr. Poulos' co-inventors. Failure to respond to the "Notice to File Missing Parts of Non-Provisional Application" will result in the patent application becoming abandoned, thereby depriving Sara Lee Corporation of rights in the application. Accordingly, the undersigned respectfully requests that this petition that the United States Patent and Trademark Office accept the above-identified patent application for prosecution on behalf of joint inventors Bennett Clay Byrd and non-signing inventor George Peter Poulos be granted.

Respectfully submitted,

\_\_\_\_\_  
Date

\_\_\_\_\_  
J. Michael Boggs  
Reg. No. 46,563  
Attorney for Applicant

Attachments A-I

Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101  
(336) 747-7536  
(336) 734-2632 (facsimile)

41872-298797  
WINLIB01:1104427.1

Please type a plus sign (+) inside this box → +

EV 366 598 123 US

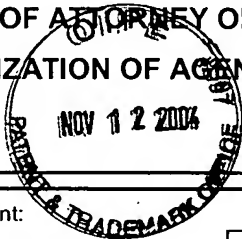
PTO/SB/81 (02-01)

Approved for use through 10/31/2002. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**



<b>Application Number</b>	10/820,558
<b>Filing Date</b>	April 8, 2004
<b>First Named Inventor</b>	Bennett Clay Byrd et al.
<b>Group Art Unit</b>	3728
<b>Examiner Name</b>	Unknown
<b>Attorney Docket Number</b>	41872-298797

I hereby appoint:

☐ Practitioners at Customer Number  →

OR

☒ Practitioner(s) named below:

Place Customer  
Number Bar Code  
Label here

Name	Registration Number
J. Michael Boggs	46,563
Charles W. Calkins	31,814
J. Jason Link	44,874
John M. Harrington	25,592

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ Practitioners at Customer Number  →

OR

Place Customer  
Number Bar Code  
Label here

<input checked="" type="checkbox"/> Firm or Individual Name	J. Michael Boggs				
Address	Kilpatrick Stockton LLP				
Address	1001 West Fourth Street				
City	Winston-Salem	State	NC	ZIP	27101-2400
Country	USA				
Telephone	(336) 747-7536	Fax	(336) 734-2632		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

<b>Name</b>	Arthur J. DeBaugh, Vice President and Chief Counsel, Intellectual Property, Sara Lee Corporation
-------------	--

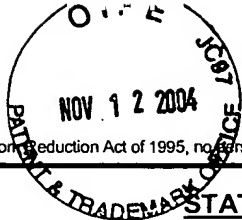
<b>Signature</b>	
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<b>Date</b>	29 July 2004
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any Comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Sara Lee CorporationApplication No./Patent No.: 10/820,558Filed/Issue Date: April 8, 2004Entitled: Footwear With Display ElementSara Lee Corporationa corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_

To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

**(NOTE:** A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

19 July 2004  
Date

Arthur J. DeBaugh  
Signature  
Arthur J. DeBaugh  
Typed or printed name

Vice President and Chief Counsel,  
Intellectual Property,  
Sara Lee Corporation

Title

## ATTACHMENT B

EV 366 598 123 US



### MEMORANDUM

File

FROM: Mike Boggs

DATE: July 12, 2004

RE: U. S. Patent Application No. 10/820,558  
Filed: April 8, 2004

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Last week I sent a letter to David Marcincavage in the Sara Lee IP Law Dept. requesting execution of formal documents, including a Declaration by the named inventors in the above-referenced application, Ben Byrd and George Poulos. David informed me that George Poulos has left employment at Sara Lee. David indicated that he requested a forwarding address for George from the Sara Lee Human Resources Dept., which did not have a forwarding address for George.

I conducted a search on the Internet for information related to George Peter Poulos. I found only the last known address for George of which I am already aware: 542 Woodvale Drive, Greensboro, NC 27410. I called the telephone number that I have on record for George Poulos at this address (336-294-5277). The phone rang, but there was no answer, nor did an answering machine activate.

# ATTACHMENT C

EV 366 598 123 US

## MEMORANDUM

TO: File

FROM: Mike Boggs

DATE: October 4, 2004

RE: **U. S. Patent Application No. 10/820,558**  
**Filed: April 8, 2004**

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I inquired of persons at Sara Lee Corp. who George Poulos worked with while he was employed there if they knew where he is living at this time. The only response I received was that George lived in Greensboro when he worked at Sara Lee, and that no one knows of George's current whereabouts.

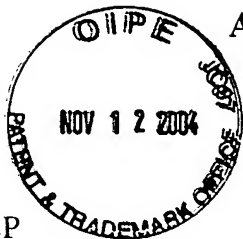
Today, I called the last telephone number I (or Sara Lee Corp.) have for George Poulos: 336-294-5277. The phone rang, but there was no answer, nor did an answering machine activate.

Today, I sent a letter by certified mail, return receipt requested, to George Poulos at his last know address in Greensboro, NC, requesting his execution of an enclosed Declaration.



KILPATRICK  
STOCKTON LLP

Attorneys at Law



ATTACHMENT D

EV 366 598 123 US

1001 West Fourth St.  
Winston-Salem NC 27101-2400  
t 336 607 7300 f 336 607 7500  
www.KilpatrickStockton.com

J. Michael Boggs  
direct dial 336 747 7536  
direct fax 336 734 2632  
MBoggs@KilpatrickStockton.com

October 4, 2004

**BY CERTIFIED MAIL**

George Poulos  
542 Woodvale Drive  
Greensboro, NC 27410

**RE: U.S. Patent Application No. 10/820,558**  
**For: Footwear With Display Element**  
**Filed: April 8, 2004**  
**Inventors: Ben Byrd and George Poulos**

Dear Ben:

You are identified as an inventor for the invention claimed in the above-referenced patent application. Enclosed a "Declaration and Power of Attorney" and an "Assignment of Invention" document related to this application. Please sign and date each document on the lines indicated next to your name, and return to me at your earliest convenience and no later than **October 18, 2004**.

If you have any questions, please do not hesitate to give me a call.

Very truly yours,

A handwritten signature in cursive script that reads 'Mike Boggs'.

Mike Boggs

Enclosures

c: Art DeBaugh, Esq. (w/o enclosures)  
Charles W. Calkins, Esq. (w/o enclosures)

41872-298797  
WINLIB01:1097439.I

# DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## FOOTWEAR WITH DISPLAY ELEMENT

The application of which: \_\_\_\_\_ is attached hereto.  
\_\_\_\_\_ is a C-I-P of Application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_  
XX \_\_\_\_\_ was filed in the United States Patent and Trademark Office on  
April 8, 2004 and assigned Serial Number 10/820,558  
\_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).  
\_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
\_\_\_\_\_ filed on \_\_\_\_\_ and amended  
under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below, or of any PCT International application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

Country	Application Number	Filing Date (Day/Month/Year)	Priority Claimed Under 35 USC § 119
			Yes ____ No ____

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

### PRIOR U.S. APPLICATION(S)

Application Serial Number	U.S. Filing Date (day/month/year)	Status (patented, pending or abandoned)
60/461,308	April 8, 2003	Abandoned

And I hereby appoint the following attorney(s) and/or agent(s), with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

FIRM NAME: **KILPATRICK STOCKTON LLP**, 1001 West Fourth Street, Winston-Salem, NC 27101-2400;

ATTORNEYS: Charles W. Calkins (Reg. No. 31,814); John M. Harrington (Reg. No. 25,592); J. Steven Gardner (Reg. No. 41,772); J. Jason Link (Reg. No. 44,874); and J. Michael Boggs (Reg. No. 46,563).

Please address all communications, and direct all telephone calls, regarding this application to:

J. Michael Boggs  
Kilpatrick Stockton LLP  
1001 West Fourth Street  
Winston-Salem, NC 27101-2400  
(336) 747-7536 (phone)  
(336) 734-2632 (facsimile)

I acknowledge the above-listed attorneys and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

[Total Number of Inventors 2]

(1) Inventor (full name) : Bennett Clay Byrd

Inventor's Signature : \_\_\_\_\_

Date : \_\_\_\_\_

Residence : 5415 Styers Ferry Road  
Clemmons, NC 27012

Citizenship: : USA

Post Office Address : 5415 Styers Ferry Road  
Clemmons, NC 27012

(2) Inventor (full name) : George Peter Poulos

Inventor's Signature : \_\_\_\_\_

Date : \_\_\_\_\_

Residence : 542 Woodvale Drive  
Greensboro, NC 27410

Citizenship: : USA

Post Office Address : 542 Woodvale Drive  
Greensboro, NC 27410

41872-298797  
WINLIB01:1081821.1

Attorney's Docket No. 41872-298797

PATENT

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or ☐ U.S. Patent  
For: ☒ PCT Application  
By: Multiple Inventors

### ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuation consideration,

#### ASSIGNORS (Inventors):

Bennett Clay Byrd  
Name of Inventor/Assignor

5415 Styers Ferry Road  
Clemmons, NC 27012  
Address  
USA  
Nationality

George Peter Poulos  
Name of Inventor/Assignor

542 Woodvale Drive  
Greensboro, NC 27410  
Address  
USA  
Nationality

hereby sells, assigns, and transfers to

#### ASSIGNEE:

Sara Lee Corporation  
Name of Assignee

1000 East Hanes Mill Road  
Winston-Salem, N.C. 27105  
Address  
a Maryland corporation  
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

- ☒ the entire right, title and interest  
☐ an undivided \_\_\_\_\_ percent (\_\_\_\_%) interest

for the United States and its territorial possessions

- ☒ and in all foreign countries, including all rights to claim priority

in and to any and all improvements which are disclosed in the invention entitled:

### FOOTWEAR WITH DISPLAY ELEMENT

and which is found in

- (a) ☒ U.S. Patent Application No. 10/820,558, filed on April 8, 2004, and in  
(b) ☒ any legal equivalent thereof in a foreign country, including the right to claim priority, and, in and to,

Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof;

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments, or affidavits required to apply for, obtain, maintain, issue, and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this \_\_\_\_\_  
Date of Signing

Bennett Clay Byrd  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

George Peter Poulos  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

41872-267450  
WINLIB01:924420.1

7003 0500 0004 7316 2282

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>TM</sup> RECEIPT	
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For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage	\$ 8.3
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.28
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.88
Postmark OCT 04 2004	
J.M. Boggs 41872-298797	
Sent To: George Poulos Street, Apt. No., or PO Box No. Coddvale Drive City, State, ZIP+4 Greensboro, NC 27410	
PS Form 3800, June 2002	
See Reverse for Instructions	



EV 366 598 123 US

## Track & Confirm

### Shipment Details

You entered 7003 0500 0004 7316 2282

Your item was returned to the sender on October 23, 2004 because it was not claimed by the addressee.

Here is what happened earlier:

- NOTICE LEFT, October 05, 2004, 4:15 pm, GREENSBORO, NC 27410
- ACCEPTANCE, October 04, 2004, 3:31 pm, WINSTON SALEM, NC 27101

### Notification Options

▶ Track & Confirm by email

[What is this?](#)

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Preserving the Trust

[site map](#) [contact us](#) [government services](#)

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### Track & Confirm

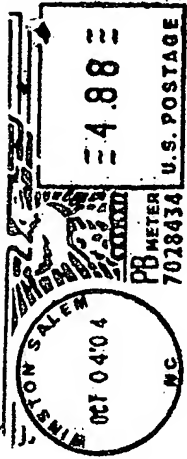
Enter label number:

[Track & Confirm FAQs](#)



7003 0500 0004 7316 2282

RETURN RECEIPT  
REQUESTED



**FIRST CLASS MAIL**



KILPATRICK  
STOCKTON LLP  
1001 West Fourth St.  
Winston-Salem NC 27101

**BY CERTIFIED MAIL**

GEORGE POULOS  
542 WOODVALE DRIVE  
GREENSBORO, NC 27410

*Left  
return  
12/15/04*

**RIS**  
RETURN TO SENDER

☐ A ☐ C ☐ S  
☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☒ OTHER

ATTACHMENT G

EV 366 598 123 US

FIRST CLASS MAIL

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

George Poulos  
542 Woodvale Drive  
Greensboro, NC 27410

41872-298797

2. Article Number  
(Transfer from service label)

7003 0500 0004 7316 2282

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ Express Mail
- ☐ Return Receipt for Merchandise
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Protect What's Inside:  
**Tyvek**  
DuPont™



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**FOOTWEAR WITH DISPLAY ELEMENT**

The application of which: \_\_\_\_\_ is attached hereto.  
 \_\_\_\_\_ is a C-I-P of Application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_  
XX was filed in the United States Patent and Trademark Office on April 8, 2004 and assigned Serial Number 10/820,558  
 \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).  
 \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
 \_\_\_\_\_ filed on \_\_\_\_\_ and amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below, or of any PCT International application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

Country	Application Number	Filing Date (Day/Month/Year)	Priority Claimed Under 35 USC § 119
			Yes ____ No ____

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT International application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION(S)**

Application Serial Number	U.S. Filing Date (day/month/year)	Status (patented, pending or abandoned)
60/461,308	April 8, 2003	Abandoned

And I hereby appoint the following attorney(s) and/or agent(s), with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

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I acknowledge the above-listed attorneys and their firm Kilpatrick Stockton LLP represent my employer (if I am an employee and this application has been or will be assigned to my employer) or the entity with which I have contracted (if I am an independent contractor and this application has been or will be assigned to such entity) and in such cases do not represent me individually.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

[Total Number of Inventors 2]

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41872-298797  
WINLIB01:1081821.1

# ATTACHMENT I

EV 366 598 123 US

Attorney's Docket No. 41872-298797

**PATENT**

For: ☒ U.S. and/or ☒ Foreign Rights  
For: ☒ U.S. Application or ☐ U.S. Patent  
For: ☒ PCT Application  
By: Multiple Inventors

## ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuation consideration,

### ASSIGNORS (Inventors):

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USA  
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hereby sells, assigns, and transfers to

### ASSIGNEE:

Sara Lee Corporation  
Name of Assignee

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Address  
a Maryland corporation  
Nationality

and the successors, assigns and legal representatives of the ASSIGNEE

- ☒ the entire right, title and interest  
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for the United States and its territorial possessions

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in and to any and all improvements which are disclosed in the invention entitled:

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and which is found in

- (a) ☒ U.S. Patent Application No. 10/820,558, filed on April 8, 2004, and in  
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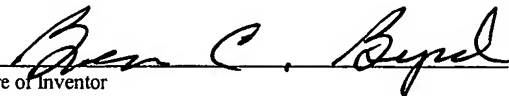
Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof;

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR further covenants that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments, or affidavits required to apply for, obtain, maintain, issue, and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, I have hereunto set hand and seal this 10-26-2004  
Date of Signing

Bennett Clay Byrd  
Name of Inventor

  
Signature of Inventor

George Peter Poulos  
Name of Inventor

\_\_\_\_\_  
Signature of Inventor

41872-267450  
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